

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

By stipulated motion of the parties filed January 3, 2007 (ECF Document No. 63 & Exhibit A – No. 64), the parties agree that the Court should confirm the December 12, 2006 award of the arbitrator impaneled pursuant to the Court’s previous order compelling arbitration under 9 U.S.C. § 4. Based upon all of the records and proceedings herein, together with the joint motion filed by counsel, the Court makes the following:

ORDER

1. The parties arbitrated their dispute before Arbitrator Robert G. Schiefelbein, who on December 12, 2006 filed with the American Arbitration Association an arbitration award

resolving the controversy. A true and correct copy of such arbitration award is attached to the stipulation and joint motion of the parties as Exhibit A (the "Award").

2. The Court grants the parties' joint motion to confirm the Award and to enter judgment on the Award pursuant to 9 U.S.C. § 9.

3. The Award attached as Exhibit A to the parties' stipulation and joint motion (including the accompanying Memorandum of the Arbitrator) is hereby confirmed and adopted by the Court as its findings of fact and conclusions of law.

4. The administrative fees and expenses of the American Arbitration Association totaling \$34,540 shall be borne equally by the parties, and the compensation and expenses of the Arbitrator and Consultant totaling \$76,780.47 shall be borne equally by the parties, and that MCNC shall pay MedCam n/k/a OptiMEMS, Inc. (in the form of a check payable to the "McGrann Shea Anderson Carnival Straughn & Lamb, Chartered Trust Account") the sum of \$17,270 to reimburse MedCam n/k/a OptiMEMS, Inc. for that portion of the fees and expenses of the arbitration in excess of the apportioned costs previously incurred by MedCam n/k/a OptiMEMS, Inc.

5. The Claimant MedCam n/k/a OptiMEMS, Inc. shall be awarded no damages.

6. That Respondent MCNC is entitled to, and is hereby awarded, judgment in its favor, and against MedCam n/k/a OptiMEMS, Inc., dismissing all claims against MCNC, with prejudice, on the merits.

7. That the above-entitled action shall be dismissed, with prejudice, on the merits, and, except as set forth in paragraph 4 above, without costs to any party.

LET JUDGMENT BE ENTERED ACCORDINGLY FORTHWITH.

BY THE COURT

Dated: January 4, 2007

s/Paul A. Magnuson

Paul A. Magnuson
United States District Judge